

VZCZCXRO4935
OO RUEHBI
DE RUEHUNV #0087/01 0581125
ZNY CCCCC ZZH
O 271125Z FEB 09 ZDK
FM USMISSION UNVIE VIENNA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9070
RHEBAAA/DOE WASHDC IMMEDIATE
INFO RUCNNSG/NUCLEAR SUPPLIERS GROUP IMMEDIATE
RUEHII/VIENNA IAEA POSTS COLLECTIVE IMMEDIATE
RUEHNE/AMEMBASSY NEW DELHI IMMEDIATE 0321
RUEHBI/AMCONSUL MUMBAI IMMEDIATE 0067

C O N F I D E N T I A L SECTION 01 OF 02 UNVIE VIENNA 000087

SIPDIS

STATE FOR T, ISN, SCA
DOE FOR NA-24 - SCHEINMAN; NA-243 GOOREVICH

E.O. 12958: DECL: 02/26/2019
TAGS: [ENRG](#) [IAEA](#) [KNNP](#) [MNUC](#) [PARM](#) [TRGY](#) [ETTC](#) [IN](#)
SUBJECT: IAEA/INDIA - INDIA'S ADDITIONAL PROTOCOL: A
LIMITED STEP FORWARD

Classified By: Ambassador Gregory L. Schulte, reasons 1.4
(b) and (d)

Summary

11. (C) The IAEA has added to the Board agenda for next week an Additional Protocol (AP) for India. The document was circulated for Member State consideration mid-day Thursday, 26 February. The draft text basically contains an obligation to provide limited reporting on exports to non nuclear weapons states (NNWS). It does not even go as far as the AP's for Russia and China, the weakest among NWS, and is viewed in the Safeguards Department and the Office of the Legal Advisor as setting a bad precedent for not only Pakistan, but Brazil. EXPO and the DG's office however, defend it as the better than no AP. The document includes an introductory note which describes the background to the document, exchanges of letters between India and the Secretariat, including the fact that the Secretariat suggested India include measures that would serve the objectives of safeguards effectiveness and efficiency. India rejected this attempt and limited the text to providing for reporting on exports to NNWS, the designation of and visas for inspectors, and communications systems. Given heavy U.S. involvement in getting India to this point, we should be prepared to support India in the Board. We anticipate India will expect us to make a statement noting that India is the first non NPT/non-CSA state to conclude an AP, and urge Board approval of the document. We have not yet heard of any State wishing to object, but some are beginning to express concern about the lateness of the document and its limited nature.
End summary

12. (C) In their January meeting at the Munich Security Conference, Indian NSA Narayanan underlined to DG ElBaradei India's interest in concluding the India AP before the Congress government goes to polls this spring. Underlining that the GOI wanted to have the AP as part of its legacy, regardless of what comes next, Narayanan reportedly promised to keep the Indian bureaucracy moving towards completion. Following further rounds of negotiations, DG ElBaradei spoke on the phone with Acting Prime Minister Mukerjee, agreeing on the text that was circulated February 26. Speaking with DCM on February 25, Assistant Director Vilmos Cserveny acknowledged that some would consider this a "Mickey Mouse Additional Protocol." However, he underlined, this agreement should be understood as another step forward in the ongoing process of bringing India into the nonproliferation mainstream.

13. (C) Secretariat officials in the Department of Safeguards and Office of the Legal Advisor describe the negotiations as

very similar to those to conclude the India safeguards agreement. They put a lot of work into drafting a text, using the opportunity to set a good example, with the goal of providing for safeguards on India's civilian nuclear program, and eventually permit implementation of integrated safeguards on the civil program, thus achieving efficient and effective safeguards implementation in India. They now feel they wasted their time. In the view of these officials, the Indians approached the discussions trying to get away with as little as possible. They stripped out much of what the Secretariat had proposed. Operations officials are visibly disappointed, and reluctant to discuss the matter. Safeguards officials have confided their concern not only that Pakistan, the most logical country, will eventually attempt to follow India's example, but also Brazil. Brazil objects regularly to the need to conclude an AP, viewing the instrument as voluntary and only necessary as a confidence building measure for certain countries.

¶4. (SBU) The text presented for Board consideration is the most limited AP presented to date. Despite the fact that India is not an official NWS, the AP does not go as far as even Russia's or China's APs. It does not provide for additional access to elements of India's civil nuclear program that are not already under safeguards (no complementary access), but substantively only provides for reporting on exports to NNWS, not on activities involving NNWS, R&D, or reporting on imports.

¶5. (C) Comment: It is likely many Member States had expected a limited AP for India, but we should be prepared should any express concern at just how limited this one is.

UNVIE VIEN 00000087 002 OF 002

The USG should be have remarks to express support for India in the Board, should others criticize India, or suggest delaying a Board decision due to limited time for review. The Secretariat frequently provides AP's for Board consideration at the last minute, but we anticipate some arguing those AP's closely track the INFCIRC/540 model. We could emphasize that the AP is not a requirement for INFCIRC/66 states, that India is the first, and Member States should expect the text to deviate from the model. Our remarks should also emphasize we see this AP as just one more step in the year's long process of bringing India into compliance with international non-proliferational norms.
SCHULTE